

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 2:19-CR-05

v.

HON. ROBERT J. JONKER

KYLE DAVID ALLEN,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties, and no objection has been made thereto within the time required by law. Based on this, and on the Court's review of all matters of record, including the audio of the plea proceedings, **IT IS ORDERED** that:

1. The Report and Recommendation of the Magistrate Judge (ECF No. 32) is approved and adopted as the opinion of the Court.
2. Defendant's plea of guilty is accepted and defendant is adjudicated guilty of the charge set forth in Count 2 of the Indictment.
3. The written plea agreement is hereby continued under advisement pending sentencing.
4. Defendant shall remain detained pending sentencing on February 4, 2020.
5. The parties shall be prepared to discuss at sentencing whether this offense amounts to "an offense for *trafficking* in child pornography" under 18 U.S.C. § 2259A(a)(2), even assuming the timing of the offense of conviction otherwise is covered by Section 2259A.

Date: October 9, 2019

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE